

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

JOAN O'MEARA, ET. AL.,)	CASE NO. 8:09CV157
)	
PLAINTIFFS,)	
)	
V.)	FINAL
)	PROGRESSION
DAVE HEINEMAN, ET. AL.,)	ORDER
)	
DEFENDANTS.)	

CLAUDIE SIRES, PERSONAL)	CASE NO. 4:10CV3020
REPRESENTATIVE OF THE CLAUDIA)	
WRIGHT ESTATE,)	
)	
PLAINTIFFS,)	
)	
V.)	
)	
DAVE HEINEMAN, ET. AL.,)	
)	
DEFENDANTS.)	

GARRY WHEELER, PERSONAL)	CASE NO. 4:10CV3021
REPRESENTATIVE OF THE SARA)	
SCHNELL ESTATE,)	
)	
PLAINTIFFS,)	
)	
V.)	
)	
DAVE HEINEMAN, ET. AL.,)	
)	
DEFENDANTS.)	

IT IS ORDERED that:

- 1) No telephonic planning conference will be held to discuss the progression of this case to trial. On the contrary, a final progression order is now issued as set forth in the following paragraph.
- 2) The final progression order is as follows:
 - a. The Motion to Amend Rule 26(f) Report, (8:09CV157, filing no. [45](#)), is granted.
 - b. A jury trial is set to commence on March 7, 2011. No more than ten days are allocated to the trial of this case and counsel shall plan accordingly. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one.
 - c. The pretrial conference will be held before the undersigned magistrate judge on February 17, 2011 at 1:00 p.m.. One- half hour is allocated to this conference. Counsel shall email a draft pretrial conference order to zwart@ned.uscourts.gov, in either MS Word or WordPerfect format, by 5:00 p.m. on February 16, 2011, and the draft order shall conform to the requirements of the local rules.
 - d. Mandatory disclosures shall be served by:

For the plaintiffs:	May 1, 2010
For the defendants:	May 15, 2010
 - e. The deadline for filing any motion for summary judgment on the basis of qualified immunity is June 1, 2010.
 - f. The deadline for disclosure of experts and, unless otherwise agreed, the deadline for the provision of expert reports is:

For the plaintiff:	September 14, 2010.
For the defendants:	October 14, 2010.
 - g. The discovery and deposition deadline is November 1, 2011. Motions to compel discovery must be filed at least 15 days prior to the discovery and deposition deadline.

- h. The deadline for filing motions to dismiss, motions for summary judgment or motions to exclude expert testimony on *Daubert* and related grounds is November 15, 2011.
- i. Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.
- j. The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

Dated this 19th day of April, 2010.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge